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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,070	01/24/2001	Michael Lunsford	PALM-3238	7197
49637	7590	08/04/2005		
BERRY & ASSOCIATES P.C. 9255 SUNSET BOULEVARD SUITE 810 LOS ANGELES, CA 90069			EXAMINER MEHRPOUR, NAGHMEH	
			ART UNIT 2686	PAPER NUMBER

DATE MAILED: 08/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/770,070

Applicant(s)

LUNSFORD ET AL.

Examiner

Naghmeh Mehrpour

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 22 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 35--67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 35-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 35, 38-42, 46-47, 49-53, 57-58, 60-64,** are rejected under 35

U.S.C. 102(e) as being anticipated by Ficco et al. (US Patent Number 2002/0035404 A10).

Regarding **claims 35, 46, 49, 52, 57, 63,** Ficco teaches a system and comprising:

a processor (0037);

a memory unit to store instruction for the processor (0037);

a wireless communications device to wirelessly transmit a control signal (0037);

a display device (0037); and

a bus coupled to the processor, the memory unit, the wireless communications devices, and the display device to communicate the information (0037), wherein;

instructions for displaying a device schedule menu, via the display device, to permit a user to enter data to the device schedule menu for controlling operation of a

Art Unit: 2686

external device, the operation of the external device to be controlled in accordance with time data entered via the device schedule menu (0036, 0037);

instructions for wirelessly transmit via the wireless communication device, at a first time corresponding to the time data, a control signal to cause the external device to perform a first action (0039, 0122, 0123).

Regarding **claims 36, 47** Ficco teaches a computing device wherein the computing device is further configured to instructions receive, via the wireless communications device, a signal the external device in response to the external device receiving the control signal from the computing device (0124).

Regarding **claims 38, 60**, Ficco teaches a system wherein the signal received via the wireless communications device includes status information from the external device (0099, 0104, 0123).

Regarding **claims 39, 50, 58, 61**, Ficco teaches a computing device wherein the computing device is further configured to:

wirelessly transmit via the wireless communication device, at a second time corresponding to the time data (0044), a second control signal to cause the external device to perform a second action (0124).

Art Unit: 2686

Regarding **claims 40, 51, 62**, Ficco teaches a system wherein the action is activating the device deactivating the device or adjusting a setting of the device (0123).

Regarding **claims 41, 52, 63**, Ficco teaches a computing device wherein the computing device is configured to:

Instruction for permitting a user to enter data to the device schedule menu for controlling operation of a plurality of external devices, the operation of each of the plurality of external devices to be controlled in accordance with respective time data entered via the device schedule menu for a corresponding one of the plurality of external devices (0038, 0039, 0124).

Regarding **claims 42, 53, 64**, Ficco teaches a computing device wherein the computing device is configured to:

Permit a user to enter a regular time period for the computing device to wirelessly retransmit, via the wireless communication device, the control signal to cause the external device to perform the first action (0124).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said

Art Unit: 2686

subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 37, 48, 59**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ficco et al. (US Patent number 2002/0035404 A1) in view of Pepe et al. (US Patent Number 5,742,905).

Regarding **claims 37, 48, 59**, Ficco fails to teach a system wherein the device is for wirelessly transmitting an acknowledgement signal to the portable computing device. However Pepe teaches teach a system wherein the device for wirelessly transmitting an acknowledgement signal to the portable computing device (col 19 lines 45-64). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Pepe with Ficco system, in order to increase speed and improve quality of information about user items, and allow a user to automatically detect, and change the conditions of items remotely.

5. **Claims 43-44, 54-55, 65-66**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ficco (US Patent Number 2002/0035404 A1) and in view of Mahany et al. (US Patent Number 5,657,317).

Regarding **claims 43, 54, 65**, Ficco fails to teach a system comprising: a mobile phone for extending the communication distance between the portable computing device and the device (see figure 1b, col 11 lines 40-59). However Mahany a mobile phone for

Art Unit: 2686

extending the communication distance between the portable computing device and the device (see figure 1b, col 11 lines 40-59). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Mahany with Ficco, in order for the mobile user to be able to move in to the vicinity of the any other base station, and roam to any coverage area without losing the connection.

Regarding **claims 44, 55, 66**, Ficco does not specifically mention that the system comprises: a relay for wirelessly extending the communication range between the portable computing device and the device. However Mahany teaches a system comprises: a relay (35, 36) for wirelessly extending the communication range between the portable computing device and the device (see figure 1b, col 11 lines 40-59).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Mahany with Ficco, in order, for the mobile user to be able to move in to the vicinity of the any other base station, and roam to any coverage area without losing the connection.

6. **Claims 45, 56, 67**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ficco et al. (US Patent number 2002/0035404 A1) in view of Bentley (US Patent Number 6,591,094 B1).

Art Unit: 2686

Regarding **claims 45, 56, 67**, Ficco fails teach a computing device wherein the computing device is configured to:

Instruction for alarming before wirelessly transmitting the control signal; and permit a user to cancel the wireless transmitting of the control signal before the control signal is wirelessly transmitted after the alarming.

However Bentley teaches a computing device wherein the computing device is configured to:

Instruction for alarming before wirelessly transmitting the control signal; and permit a user to cancel the wireless transmitting of the control signal before the control signal is wirelessly transmitted after the alarming (col 5 lines 39-46). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Bentley with Ficco, in order to allow the user monitoring and control of selected conditions and functions.

Response to Arguments

7. Applicant's arguments with respect to claims 1-34 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2686

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any responses to this action should be mailed to:

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 571-272-7913. The examiner can normally be reached on 8:00- 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold be reached (571) 272-7905.


The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2686

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NM

July 28, 2005



MELODY MENPOUN
PATENT EXAMINER